

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of:)	
)	
Connect America Fund)	WC Docket No. 10-90
)	
A National Broadband Plan for Our Future)	GN Docket No. 09-51
)	
Establishing Just and Reasonable Rates for Local Exchange Carriers)	WC Docket No. 07-135
)	
High-Cost Universal Service Support)	WC Docket No. 05-337
)	
Developing an Unified Intercarrier Compensation Regime)	CC Docket No. 01-92
)	
Federal-State Joint Board on Universal Service)	CC Docket No. 96-45
)	
Lifeline and Link-Up)	WC Docket No. 03-109
)	
Universal Service Reform – Mobility Fund)	WT Docket No. 10-208

REPLY COMMENTS OF CENTURYLINK, INC.

INTRODUCTION

CenturyLink, Inc. (CenturyLink), on behalf of its affiliates, respectfully submits these reply comments regarding its request for a limited waiver of the new call signaling rules recently adopted by the Commission in the above-captioned proceedings.¹ As CenturyLink explained in

¹ See *In the Matter of Connect America Fund; A National Broadband Plan for Our Future; Establishing Just and Reasonable Rates for Local Exchange Carriers; High-Cost Universal Service Support; Developing an Unified Intercarrier Compensation Regime; Federal-State Joint Board on Universal Service; Lifeline and Link-Up; Universal Service Reform - Mobility Fund*, WC Docket Nos. 10-90, 07-135, 05-337, 03-109, CC Docket Nos. 01-92, 96-45, GN Docket No. 09-51, WT Docket No. 10-208, Report and Order and Further Notice of Proposed Rulemaking,

its petition, CenturyLink requires a limited waiver in certain limited circumstances where compliance with the new rules is technically infeasible.² Following the initial comments, the record still demonstrates that good cause exists for a grant of the CenturyLink waiver request, that doing so would be in the public interest, and that the waiver request otherwise satisfies Commission Rule 1.3.³ Accordingly, it should be granted.

DISCUSSION

As CenturyLink explained in its petition, it has long been and remains a strong proponent of phantom traffic rules. As part of the approach to phantom traffic adopted by the Commission in the *USF/ICC Transformation Order*, it encouraged carriers to seek waivers of the rules where it was technically not feasible for a carrier to comply -- rather than adopt a technical infeasibility exception to the rules themselves.⁴ With each of the scenarios addressed in its waiver petition, CenturyLink has demonstrated in great detail why good cause exists for the Commission to grant the waiver and how the public interest would be served by such a waiver. No party has rebutted this demonstration. Indeed, numerous parties have filed comments containing detailed support for CenturyLink's requested waiver.⁵ And, to the extent there was opposition in certain comments, the underlying contentions of those parties should be rejected.

FCC 11-161 (rel. Nov. 18, 2011) (*USF/ICC Transformation Order*), *Order Clarifying Rules*, DA 12-147, rel. Feb. 3, 2012, Erratum, rel. Feb. 6, 2012, Application for Review, USCC, *et al.*, filed Mar. 5, 2012, *Further Clarification Order*, DA 12-298, rel. Feb. 27, 2012; *pets for recon. pending; pets. for rev. of the Report and Order pending, sub nom.* IN RE FCC 11-161 (10th Cir. No. 11-9900).

² CenturyLink, Inc. Petition for Limited Waiver, WC Docket Nos. 10-90, *et al.*, filed Jan. 23, 2012. *And see* Public Notice, DA 12-104, rel. Jan. 30, 2012.

³ 47 C.F.R. § 1.3.

⁴ *USF/ICC Transformation Order* ¶ 716.

⁵ Comments of AT&T, Inc., WC Docket Nos. 10-90, *et al.*, filed Feb. 29, 2012 at 2-3; Comments of Verizon, WC Docket Nos. 10-90, *et al.*, filed Feb. 9, 2012 at 1-2; Comments of the United

The Commission should reject North County's baseless contentions in its comments that CenturyLink fails to adequately demonstrate technical infeasibility. North County fundamentally misconstrues the nature of CenturyLink's waiver request in its comments. To begin with, North County suggests that all of the scenarios detailed in pages 6 to 8 of CenturyLink's petition entail a CenturyLink request to be exempt from passing CN or CPN when using MF signaling.⁶ North County also suggests that CenturyLink wrongly describes the capabilities of MF signaling -- *i.e.*, that CenturyLink contends that CN and CPN can never be passed when using MF signaling and that that contention is wrong.⁷ But, both of these contentions are wrong.

As CenturyLink details in its petition, only one scenario in its petition (the first LEC scenario discussed on page 6 -- dealing with EAS/local traffic) deals with limitations on CenturyLink's ability to pass the required call information when CenturyLink uses MF signaling to pass traffic as an originating carrier.⁸ The remainder of scenarios involving MF signaling addressed in CenturyLink's petition (*i.e.*, the LEC DTMF (Dual Tone Multifrequency) and operator services/directory assistance (OS/DA) scenarios discussed on pages 6-7, and the interexchange carrier (IXC) dedicated access scenario discussed on pages 8-9) deal with situations where CenturyLink uses SS7 signaling to pass the traffic to the next carrier, but is limited in what it can pass because of the limitations of the MF functionality being used by its originating

States Telecom Association, WC Docket Nos. 10-90, *et al.*, filed Feb. 9, 2012 at 4-5. *See also* Comments of AT&T, WC Docket Nos. 10-90, *et al.*, filed Feb. 9, 2012 at 40-41.

⁶ Comments of North County Communications Corp. in Response to CenturyLink, Inc. Petition for Limited Waiver, WC Docket Nos. 10-90, *et al.*, filed Feb. 29, 2012 at 1-2.

⁷ *Id.* at 2-3.

⁸ Petition at 6.

customer.⁹ Thus, to begin with, North County's criticisms have no relevance whatsoever to any of the scenarios whatsoever -- except for the LEC EAS/local scenario.

And, as to that scenario, North County is simply confused in its descriptions of the relevant capabilities of MF signaling and the bases of CenturyLink's waiver request. CenturyLink does not contend, as North County suggests, that CN and CPN can never be passed when using MF signaling. Rather, CenturyLink contends merely that CN and CPN is not signaled using MF signaling on non-access calls or on the terminating leg of an access call. And, as is further demonstrated in the attached Declaration of Philip Linse, that contention cannot be seriously disputed.¹⁰ Nor does North County dispute it, but rather it focuses on MF signaling capabilities more broadly, rather than specifically in the local traffic context. Thus, the underlying factual bases for the one aspect of CenturyLink's petition that deals with limitations when it uses MF signaling -- involving EAS services that are all local traffic -- is undisputed.

The Commission should also reject NECA's proposed conditions to CenturyLink's waiver request. NECA actually does not oppose CenturyLink's request, but asks that it be granted subject to certain conditions. Specifically, NECA requests that any waiver for all of the scenarios encompassed by CenturyLink's petition "include requirements for CenturyLink to publish a list of switches covered by the waiver."¹¹ And, NECA requests that a waiver for the IXC dedicated access scenario discussed on pages 8-9 of CenturyLink's petition include a requirement to provide terminating carriers with a "translation table" that indicates the true originating call location for each "pseudo CN" used in the pseudo-CN application described in

⁹ *Id.* at 6-7.

¹⁰ Linse Declaration ¶ 2.

¹¹ Comments of the National Exchange Carrier Association, *et al.*, On CenturyLink's Petition for Limited Waiver of the Commission's Call Signaling Rules, WC Docket Nos. 10-90, *et al.*, filed Feb. 29, 2012 at 6 (NECA Comments).

that aspect of CenturyLink's request.¹² The Commission should reject these requests. As AT&T demonstrated when NECA proposed similar conditions on AT&T's recent waiver request, these requested conditions are unnecessary and "would impose additional costs of compliance with no corresponding benefits that would warrant their adoption."¹³ Regarding the proposed condition of a switch list, that data is already available as necessary to NECA members pursuant to ordinary industry practices. And, regarding the proposed creation of a translation table, the basis of NECA's request is its concern that "'pseudo CPNs' have been among the chief causes giving rise to the phantom traffic problems."¹⁴ In other words, NECA asks for a translation table because of this contention that pseudo-CNs can often provide incorrect jurisdictional information. But, NECA wholly ignores the fact that the CenturyLink pseudo-CN application at issue is itself specifically designed already to provide available jurisdictional information where it would not otherwise exist. In other words, the CenturyLink pseudo-CN application already serves the purpose that a translation table would serve. Thus, at bottom, each of NECA's proposed conditions, in addition to being costly, is entirely unnecessary.

Finally, the Commission should reject Frontier's contentions in its comments that CenturyLink's waiver request should not be granted because CenturyLink has failed to adequately demonstrate its claims of technical infeasibility and has not demonstrated "the amount of its traffic that uses MF signaling."¹⁵ This first contention is directed at only one aspect of CenturyLink's waiver request -- pages 5 to 6, where CenturyLink seeks a limited waiver of the requirement to pass the CN unaltered if it is different than the CPN in certain limited

¹² *Id.* at 7.

¹³ Reply Comments of AT&T, Inc., WC Docket Nos. 10-90, *et al.*, filed Feb. 24, 2012 at 6.

¹⁴ NECA Comments at 7.

¹⁵ Comments of Frontier Communications Corporation on CenturyLink's Petition for Limited Waiver, WC Docket Nos. 10-90, *et al.*, filed Feb. 29, 2012 at 3 (Frontier Comments).

circumstances involving SS7 signaling where CenturyLink acts as an IXC.¹⁶ With regard to that request, Frontier states that CenturyLink never demonstrates that compliance “is more than an unspecified economic burden.”¹⁷ Frontier is wrong. For this aspect of CenturyLink’s petition and all other aspects, CenturyLink provides detailed descriptions of the technical issues that prevent it from complying and the scope of what would be required to come into compliance. It is self evident, for example, from the discussion of the IXC platform issue in CenturyLink’s petition, that, in order to come into compliance, CenturyLink would have to incur significant costs and would effectively have to replace the legacy platform equipment at issue. Indeed, CenturyLink estimates that the cost of such a fix would easily be in the millions of dollars. Most importantly, as CenturyLink also demonstrates in its petition, the costs incurred would not serve the interests of the phantom traffic rules or the public interest broadly.¹⁸ CenturyLink already uses long-established and well-accepted industry practices in this scenario (*e.g.*, auditable percent interstate use and other factors) to ensure proper settlements of intercarrier compensation with terminating carriers.¹⁹

Similarly, the Commission should reject Frontier’s contention that CenturyLink has not demonstrated “the amount of its traffic that uses MF signaling.”²⁰ Each of CenturyLink’s waiver requests are narrowly tailored, by their own terms, to narrow circumstances where it is self evident that the amount of traffic at issue is small.

¹⁶ *Id.* at 2; Petition at 5-6.

¹⁷ Frontier Comments at 2.

¹⁸ Petition at 5-6.

¹⁹ *Id.* at 6.

²⁰ Frontier Comments at 3.

CONCLUSION

For all of the reasons stated herein, CenturyLink respectfully requests that the Commission expeditiously grant this Petition for Limited Waiver of 47 C.F.R. § 64.1601(a).

Respectfully submitted,

CENTURYLINK

By: /s/ Timothy M. Boucher
Timothy M. Boucher
1099 New York Avenue, N.W.
Suite 250
Washington, DC 20001
303-992-5751
Timothy.Boucher@CenturyLink.com

Its Attorney

March 15, 2012

DECLARATION OF PHILIP LINSE


1. My name is Philip Linse. I received a Bachelor of Arts degree from University of Northern Iowa in 1994. I have been employed by CenturyLink (formerly Qwest) since 2000. I currently hold the position of Regulatory Operations Manager where I am responsible for evaluating the economic impacts of the regulatory requirements set by State and Federal Commissions. Prior to my current responsibility, I have held numerous positions in the following areas: Network Engineering and Network Public Policy. I am a subject matter expert regarding network switching and signaling issues.

2. The purpose of this declaration is to respond to certain contentions in the comments of North County Communications Corp. in response to CenturyLink's request for a limited waiver from the Federal Communications Commission's new phantom traffic rules. In its comments, North County contends that CenturyLink contends in its waiver that CN and CPN can never be passed when using MF signaling and that that contention is wrong. North County misconstrues CenturyLink's petition and the capabilities of MF signaling. CenturyLink does not contend, as North County suggests, that ANI, CN and CPN can never be passed when using MF signaling. Rather, CenturyLink contends merely that ANI, CN and CPN is not signaled using MF signaling on non-access calls or on the terminating leg of an access call. Putting aside limited special uses not relevant to CenturyLink's petition, MF signaling was not developed or standardized to provide ANI on non-access or on the terminating leg of an access call. Such a requirement would require modified and updated standards and the costly update and reconfiguration of CenturyLink's North American multivendor switching network for the declining use of a signaling technology that currently makes up less than 2% of CenturyLink's LEC network.

3. It is my opinion that a grant of CenturyLink's waiver petition will serve the public interest by relieving CenturyLink of unnecessary and costly requirements by preventing the diversion of capital from investment in forward looking technology and, thereby, allowing CenturyLink to compete more effectively.

I certify that the foregoing is true and correct to the best of my information and belief.

Executed on March 15, 2012


Philip A. Linse

CERTIFICATE OF SERVICE

I, Richard Grozier, do hereby certify that I have caused the foregoing **REPLY**
COMMENTS OF CENTURYLINK, INC. to be: 1) filed via ECFS with the Office of the
Secretary of the FCC in WC Docket Nos. 10-90, 07-135, 05-337, 03-109, GN Docket No. 09-51,
CC Docket Nos. 01-92, 96-45, and WT Docket No. 10-208; 2) served via e-mail on Ms. Belinda
Nixon, Pricing Policy Division, Wireline Competition Bureau at Belinda.nixon@fcc.gov;
3) served via e-mail on the FCC's duplicating contractor, Best Copy & Printing, Inc. at
fcc@bcpiweb.com; and 4) served via First Class United States Mail, postage prepaid, on the
parties listed on the attached service list.

/s/ Richard Grozier

March 15, 2012

R. Dale Dixon, Jr.....North County
Law Offices of Dale Dixon
7316 Esfera Street
Carlsbad, CA 92009

Michael D. Saperstein, Jr.
Frontier Communications Corporation
Suite 700
2300 N Street, N.W.
Washington, DC 20037

Richard A. Askoff
Linda A. Rushnak
National Exchange Carrier
Association, Inc.
80 South Jefferson Road
Whippany, NJ 07981

Jill Canfield
Michael Romano
National Telecommunications Cooperative
Association
10th Floor
4121 Wilson Boulevard
Arlington, VA 22203

Stuart Polikoff
Organization for the Promotion and Advancement
of Small Telecommunications Companies
7th Floor
2020 K Street, N.W.
Washington, DC 20006

Derrick Owens
Western Telecommunications Alliance
Suite 300
317 Massachusetts Avenue, N.E.
Washington, DC 20002

Gerard J. Duffy.....WTA
Blooston, Mordkofsky, Dickens, Duffy &
Prendergast, LLP
Suite 300
2120 L Street, N.W.
Washington, DC 20037